IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1043 OF 2007

Sukhdev Sampati Pukale & Ors. ..Petitioners.
Vs.
Namdev Chimaji Kokare ..Respondent.

Mr.S.S.Shah , adv. for the Petitioner.

CORAM : J.H.BHATIA, J.
DATE : SEPTEMBER 21, 2007.

P.C.:

1. Notice was served on the respondent/plaintiff indicating that this petition may be disposed off at the admission stage, however, none is present for the respondent. Mr.Shah the learned counsel for the Petitioners makes a statement that the petitioners shall not cause any obstruction in the execution of decree in Regular Civil Suit No.15 of 1975 pending before the Civil Judge Junior Division, Sangola. The defendant nos.1,2,4 and 5 were directed to be detained for causing obstruction to the execution of the decree. Now the petitioner no.1, 2 and 4 have filed their Undertakings to the effect that they will abide by judgment/decree in regular civil suit no.15 of 1975 and will not obstruct possession of the respondent as mentioned in Clause (2) of the Judgment and Order passed on 13-11-1981. The learned counsel for the petitioner makes a statement that the petitioner no.5

was not available to submit such undertaking but he will also submit similar Undertaking before the trial Court.

2. In view of the Undertakings filed by three of the petitioners and the statement made that the petitioner no.5 shall also file similar undertaking before the Executing Court, I find that the purpose of the law is served and it will not be necessary to detain any of them in civil prison. Therefore, petition is allowed and subject to the petitioner no.5 filing the similar undertaking before the Executing Court, the impugned order dated 25-8-2006 is hereby set aside.

[J.H.BHATIA, J.]